

Exhibit 1

IRVINGTON PUBLIC SCHOOLS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT (IRVINGTON) (SD MSJ NO.4)

Case No.: 4:22-md-03047-YGR
MDL No. 3047

Member Case No.: 4:23-cv-01467-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

This Document Relates to:

[Insert Case Name and Number]

rvington Public Schools

v.

Meta Platforms, Inc., et al.

2:23-cv-01233 [D.N.J.]

4:23-cv-01467-YGR [N.D. Cal.]

**PLAINTIFF FACT SHEET – SCHOOL
DISTRICTS**

(SUPPLEMENTAL)

INSTRUCTIONS

Use of this fact sheet. Each school-district plaintiff that has filed a complaint in this action must complete this Plaintiff Fact Sheet. If more than one school district is a plaintiff on a single complaint, each individual school district must submit its own individual Plaintiff Fact Sheet. This Plaintiff Fact Sheet constitutes discovery responses subject to the Federal Rules of Civil Procedure. The information provided will only be used for purposes related to this litigation and may be disclosed only as permitted by the Protective Order entered in this litigation.

Terms used. “You,” “your,” “Plaintiff,” and “School District” as used throughout this fact sheet refers to the school district completing this form. “Social media” refers to Defendants’ social media platforms as described in your complaint.

Certification. In completing this Plaintiff Fact Sheet, you are representing that you are an authorized representative of the school district bringing the lawsuit. You must certify under oath that the information is true and correct to the best of your knowledge, information, and belief.

Instructions regarding requests for information. Do not leave any questions unanswered or blank; if you cannot recall all of the information requested, provide as much information as you can. You should insert additional space where necessary to answer the questions completely. You should consult with your attorney about completing this form. None of the requests are designed to require an expert evaluation or limit expert testimony. None of the requests are designed to require review of individual student records.

Instructions regarding document requests. For each question calling for the production of documents, indicate whether you possess any existing documents responsive to the request. A request will indicate where it only requires that you produce information that has already been compiled and/or exists in report, survey, analysis, study, or other document that provides an

overview of or describes the indicated topic. If information has not been compiled or summarized on these topics, it does not need to be located, described, or produced for the purposes of this Plaintiff Fact Sheet. For example, you are not required to locate, compile, sort, describe or produce underlying records that might show, for example, the prevalence of student use of social media or expenses incurred to address problems arising from student use of social media; however, you are required to produce existing reports, surveys, analyses, studies, or other overviews on that topic.

To determine whether you have any responsive documents, you are required to investigate whether you have the information sought. This investigation might involve a district employee asking the appropriate person at each school to provide the district with documents or reports responsive to the requests. You do not need to create any new documents.

If you do possess any such documents, reports, surveys, analyses, studies, or other overview documents, then provide copies as they are kept in the ordinary course of business, without identifying any student-specific data.

I. CASE INFORMATION

1. Plaintiff: Irvington Public Schools

2. Name of the court in which the complaint was initially filed:

United States District Court District of New Jersey

3. Case number in court in which complaint was originally filed:

2:23-cv-01233

4. Filing date of the complaint: Mar 3 2023

5. Named defendants in the complaint:

Meta Platforms, Inc., (formerly known as Facebook, Inc.), Instagram, LLC, Facebook Payments, Inc., Siculus, Inc., Facebook Operations, LLC, Facebook Holdings, LLC, Meta Payments Inc., Bytedance LTD, Bytedance Inc., TikTok LTD, TikTok LLC, TikTok Inc., Snap, Inc., Google, LLC, Youtube, LLC, Mark Zuckerberg.

6. Name, firm, and e-mail address of the principal attorney(s) representing Plaintiff:

Michae. I A. Innes, David G. Gilfillan
Carella, Byrne, Cecchi, Brody & Agnello, P.C.
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II. SUPPLEMENTAL QUESTIONS

7. Identify, if separately itemized/tracked, and describe known expenditures and anticipated future expenditures made by your district, related to mental health and indicate whether you are seeking to recover the expense. Note: This question is not designed to require an expert evaluation or limit expert testimony.

While not separately itemized/tracked, the School District has experienced an increase in expenditures related to student mental health. These expenditures, which the School District seeks to recover, include, but are not limited to: (1) Funding spent on Special Emotional Learning ("SEL") for Irvington Public Schools, such as for Generations family guidance, Experiential Learning for SEL, Rutgers University Behavioral Healthcare, Center for Partnership Services, Smarter Administration LLC, Art Therapy, Supplies for SEL activities, Wellness Festival Services, SEL activities for students and families, Wellness activities, and PBIS incentives; and (2) Salaries, such as for Dean, School Climate Specialist, Wellness Coordinator, and Social Emotional Facilitator; and (3) other related expenditures, including, but not limited to: Expending, diverting, and increasing resources and increasing staff time to confiscate cell phones and other devices; Hiring additional counselors, staff, and personnel in response to increased mental health and behavioral issues caused by students' social media use; Expending, diverting, and increasing resources to investigate social media related concerns and addressing the students and families involved with education, consequences, and counseling; Expending, diverting, and increasing resources to training staff in Crisis Prevention Institute Techniques to address explosive behavior and mental health concerns with its students; Expending, diverting, and increasing time and resources, and increasing staff, to communicate and engage with parents and guardians of students regarding youth mental health, and behavioral issues, and attendance problems; Expending, diverting, and increasing resources to investigate and respond to threats made against schools and students over social media; Expending, diverting and increasing resources limit students' access to social media platforms and mitigate risks posed by students' social media use; Expenditures on cell phone holders for each classroom at Irvington High School; Expending, diverting, and increasing time and resources to develop new and revised teaching plans to address students' altered learning habits, e.g., reduced attention span, inability to communicate effectively; Expending, diverting, and increasing time and resources to monitor student actions online both during the school day and outside of it; Expending, diverting, and increasing time and resources to expand self-contained special education programs as well as additional special education teaching staff to address the educational needs of our students; Hiring additional mental health specialists, mental health staff members, school counselors, and behaviorists Expending and diverting resources and increasing staff to address student discipline issues caused by Defendants' attracting and addicting students to their social media platforms; Expending, diverting and increasing resources for mental health curricula; Expending, diverting, and increasing resources to create education materials for youth, parents, and staff addressing social media addiction and harm; Expending and diverting time and resources, and increasing staff, to route students and youth to counselors and mental health service providers; Expending, diverting, and increasing resources to develop additional mental health resources; Expending, diverting and increasing resources to train teachers to help students with their mental health and expending, and diverting time and resources to increase staff and train staff to identify students and youth exhibiting symptoms of mental health issues. Expending and diverting time and resources to discipline students, including, but not limited to that attendant litigation costs. Expending and diverting time and resources to the external mental health placement of students in state approved settings.

Plaintiff reserves all rights to amend this response, and expects to amend the response as the nuisance is ongoing and continues unabated.

8. Identify, if separately itemized/tracked, and describe known costs incurred or damages sought as a result of any harms to your district which you attribute to social media. Note: This question is not designed to require an expert evaluation or limit expert testimony.

While not separately itemized/tracked, Irvington attributes to social media the harms and expenditures (both past and future) listed in Irvington's response to Question 7.

Moreover, while Irvington does not specifically itemize or track costs related to harms attributed to

social media in our financial documents, there are costs and consequences that are associated

with social media use among our students, such as: Incurred Costs and Damages Related to

Social Media: (a) Counseling and Support Services: We have observed an increased need for

counseling services as a result of issues like social media use, addiction and other related stressors. A significant portion of our counseling resources is utilized to address these problems.

This includes the salaries of counselors and resources used during these sessions. (b) Disciplinary Actions: Instances of misconduct related to social media often require administrative

intervention, which includes time and resources for investigations, meetings with students and

parents, and the implementation of disciplinary measures. These activities divert resources from

other administrative functions and educational activities. (c) Technological Infrastructure:

Maintaining a robust IT infrastructure to monitor and restrict access to non-educational content,

including social media during school hours.

9. Provide the number of students in your district referred for mental health services, if such referrals are tracked. Note: This question is not designed to require review of underlying individual student records.

Year	Number of Students
2023-2024	30
2022-2023	40
2021-2022	35
2020-2021	15
2019-2020	15
2018-2019	20
2017-2018	19

10. Identify the number of and location of any school shooting, whether you attribute any such incident to social media use, and if so, which social media platform(s).

During the 2018-2019 school year, a high school student was fatally gunned down just after class let out only blocks from Irvington High School. The School District attributes the shooting to social media use, specifically Instagram.

11. Identify the number of and location of any other violence perpetrated by an outsider (i.e. non-student and non-staff member) which required a cessation of school activities for the entire district or an entire school campus, whether you attribute any such incident to social media use, and if so, which social media platform(s).

During the 2018-2019 school year, a high school student was fatally gunned down just after class let out only blocks from Irvington High School. The School District attributes the shooting to social media use, specifically Instagram. The fatal shooting resulted in a cessation of school activities at Irvington High School.

During the 2023-2024 school year, Irvington High School encountered three significant security incidents involving outsiders that required it to halt normal school activities campus-wide. The first incident occurred on school grounds and prompted a "shelter in place" to ensure the safety of all students and staff. Feuds between students on Instagram led to a melee that was this first incident. This melee was captured on Instagram Live and shared throughout Instagram.

The other two incidents originated in the community and were linked to interactions on Instagram. These social media exchanges among students led to substantial safety concerns, prompting the school to conduct a comprehensive safety drill.

12. Describe the frequency of threats of violence to any of your schools (e.g. threat of school shooting or bomb scare) which required a cessation of school activities for the entire district or an entire school campus and were known to students, whether you attribute any such incident to social media use, and if so, which social media platform(s).

During the 2023-2024 school year, Irvington High School experienced one serious threat of violence that necessitated the cessation of all school activities across the entire campus. This incident, which was known to our student body and involved a threat of a school shooting, required the cessation of all school activities for the entire school campus. Irvington attributes the incident to social media, specifically Instagram.

13. Identify the number of staff or student suicides which your district reported to an outside entity and which were known to the student body, whether you attribute any such incident to social media use, and if so, which social media platform(s):

None.

14. Identify the number of staff or student attempted suicides which your district reported to an outside entity and which were known to the student body, whether you attribute any such incident to social media use, and if so, which social media platform.

There have been two attempted suicides at University Middle School which have been attributed to the use of TikTok.

CERTIFICATION

I have made reasonable inquiries to answer the foregoing questions. Based on my personal knowledge and the information provided by other district employees, I declare under penalty of perjury that the information provided in this Plaintiff Fact Sheet is complete, true, and correct to the best of my knowledge and information, and that I have provided all of the requested documents that are reasonably accessible to me and/or my attorneys, to the best of my knowledge.

<u>/s/ April Vauss</u> Signature	May 31 2024 Date
Dr. April Vauss Name (Printed)	Superintendent of Schools Title